

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

THE SOUTH CAROLINA STATE
CONFERENCE OF THE NAACP, and

TAIWAN SCOTT, on behalf of himself and
all other similarly situated persons,

Plaintiffs,

v.

THOMAS C. ALEXANDER, in his official
capacity as President of the Senate; LUKE A.
RANKIN, in his official capacity as Chairman
of the Senate Judiciary Committee; JAMES H.
LUCAS, in his official capacity as Speaker of
the House of Representatives; CHRIS
MURPHY, in his official capacity as Chairman
of the House of Representatives Judiciary
Committee; WALLACE H. JORDAN, in his
official capacity as Chairman of the House of
Representatives Elections Law Subcommittee;
HOWARD KNAPP, in his official capacity as
interim Executive Director of the South
Carolina State Election Commission; JOHN
WELLS, Chair, JOANNE DAY, CLIFFORD
J. EDLER, LINDA MCCALL, and SCOTT
MOSELEY, in their official capacities as
members of the South Carolina Election
Commission,

Defendants.

Civil Action No. 3:21-cv-03302-TJH-MBS-RMG

**HOUSE DEFENDANTS' RULE 26(a)(3)
PRETRIAL DISCLOSURES**

Defendants James H. Lucas (in his official capacity as Speaker of the South Carolina House of Representatives), Chris Murphy (in his official capacity as Chairman of the South Carolina House of Representatives Judiciary Committee), and Wallace H. Jordan (in his official capacity as Chairman of the South Carolina House of Representatives Redistricting Ad Hoc Committee)

(collectively, “House Defendants”), by and through undersigned counsel, hereby file these disclosures pursuant to Fed. R. Civ. P. 26(a)(3).

1. The name and, if not previously provided, the address and telephone number of each witness—separately identifying those the party expects to present and those it may call if the need arises.

In addition to any witness identified by Plaintiff, and without waiving the right to call additional witnesses, Defendant expects to present the following witnesses at trial:

1. James H. Lucas, *Speaker of the South Carolina House of Representatives*
 - Contact through counsel of record
2. Wallace H. Jordan, *Member of the South Carolina House of Representatives and Chairman of the Redistricting Ad Hoc Committee*
 - Contact through counsel of record
3. Chris Murphy, *Member of the South Carolina House of Representatives and Chairman of the Judiciary Committee*
 - Contact through counsel of record
4. Patrick Dennis, *General Counsel to the South Carolina House of Representatives and Chief of Staff to the Speaker of the House*
 - Contact through undersigned counsel
5. Emma Dean, *Chief Counsel to the South Carolina House of Representatives Judiciary Committee*
 - Contact through undersigned counsel
6. Thomas Hauger, *Data Director/GIS Director for the South Carolina House of Representatives Redistricting Process*
 - Contact through undersigned counsel
7. Representative Neal Collins, *Member of the South Carolina House of Representatives and Redistricting Ad Hoc Committee*
 - Contact through undersigned counsel
8. Representative Jason Elliot, *Member of the South Carolina House of Representatives and Redistricting Ad Hoc Committee*
 - Contact through undersigned counsel
9. Representative Beth Bernstein, *Member of the South Carolina House of*

Representatives and Redistricting Ad Hoc Committee

- Contact through undersigned counsel
10. Representative Justin Bamberg, *Member of the South Carolina House of Representatives and Redistricting Ad Hoc Committee*
 - Contact through undersigned counsel
 11. Representative Weston Newton, *Member of the South Carolina House of Representatives and Redistricting Ad Hoc Committee*
 - Contact through undersigned counsel
 12. Representative Patricia Henegan, *Member of the South Carolina House of Representatives and Redistricting Ad Hoc Committee*
 - Contact through undersigned counsel
 13. Representative Jay West, *Member of the South Carolina House of Representatives*
 - If the need arises
 - Contact through undersigned counsel
 14. Representative West Cox, *Member of the South Carolina House of Representatives*
 - If the need arises
 - Contact through undersigned counsel
 15. Representative Annie McDaniel, *Member of the South Carolina House of Representatives*
 - If the need arises
 - Contact through undersigned counsel
 16. Representative Randy Ligon, *Member of the South Carolina House of Representatives*
 - If the need arises
 - Contact through undersigned counsel
 17. Representative Murrell Smith, *Member of the South Carolina House of Representatives and Speaker-Elect*
 - If the need arises
 - Contact through undersigned counsel
 18. Representative David Weeks, *Member of the South Carolina House of Representatives*
 - If the need arises
 - Contact through undersigned counsel
 19. Representative Will Wheeler, *Member of the South Carolina House of Representatives*

- If the need arises
- Contact through undersigned counsel

20. Representative Jackie Hayes, *Member of the South Carolina House of Representatives*

- If the need arises
- Contact through undersigned counsel

21. Representative Cezar McKnight, *Member of the South Carolina House of Representatives*

- If the need arises
- Contact through undersigned counsel

22. Representative Lucas Atkinson, *Member of the South Carolina House of Representatives*

- If the need arises
- Contact through undersigned counsel

23. Leonidas E. Stavrinakis *Member of the South Carolina House of Representatives*

- If the need arises
- Contact through undersigned counsel

24. Dr. J. David Woodard, *House Defendants' Expert*

- Contact through undersigned counsel

25. Dr. Thomas Brunell, *House Defendants' Expert*

- Contact through undersigned counsel

26. Sean Trende, *House Defendants' Expert*

- Contact through undersigned counsel

27. Dr. Moon Duchin, *Plaintiff's Expert*

- If the need arises
- Plaintiff has contact information

28. Dr. Kosuke Imai, *Plaintiff's Expert*

- If the need arises
- Plaintiff has contact information

29. Dr. Jordan Ragusa, *Plaintiff's Expert*

- If the need arises
- Plaintiff has contact information

30. Dr. Joseph Bagley, *Plaintiff's Expert*

- If the need arises

- Plaintiff has contact information
31. Dr. Baodong Liu, *Plaintiff's Expert*
- If the need arises
 - Plaintiff has contact information
32. Dr. John C. Ruoff, *Member of the South Carolina State Conference of the NAACP Reapportionment Committee*
- If the need arises
 - Plaintiff has contact information
33. Brenda Murphy, *President of the South Carolina State Conference of the NAACP*
- If the need arises
 - Plaintiff has contact information
34. Charles Boykin, *Member and Legal Redress Chair of the South Carolina NAACP and Co-Chair of Reapportionment Committee*
- If the need arises
 - Plaintiff has contact information
35. Steve Love, *Member of the South Carolina State Conference of the NAACP and Co-Chair of Reapportionment Committee*
- If the need arises
 - Plaintiff has contact information
36. Thania Sanchez, *Demographer for the ACLU*
- If the need arises
 - Contact Information Unknown
37. Ben Fifield, *Demographer for the ACLU*:
- If the need arises
 - Contact Information Unknown

2. The designation of those witnesses whose testimony the party expects to present by deposition and, if not taken stenographically, a transcript of the pertinent parts of the deposition.

1. Brenda Murphy, *President of the South Carolina State Conference of the NAACP*
 - a. President Murphy was also the designee for the South Carolina State Conference of the NAACP Rule 30(b)(6) deposition
2. Charles Boykin, *Member and Legal Redress Chair of the South Carolina NAACP and Co-Chair of Reapportionment Committee*

3. Steve Love, *Member of the South Carolina State Conference of the NAACP and Co-Chair of Reapportionment Committee*
4. Dr. John C. Ruoff, *Member of the South Carolina State Conference of the NAACP Reapportionment Committee*
5. Dr. Moon Duchin, *Plaintiff's Expert*
6. Dr. Kosuke Imai, *Plaintiff's Expert*
7. Dr. Jordan Ragusa, *Plaintiff's Expert*
8. Dr. Joseph Bagley, *Plaintiff's Expert*
9. Dr. Baodong Liu, *Plaintiff's Expert*
10. Wendy C. Brawley, *Member of the South Carolina House of Representatives*
11. James H. Lucas, *Speaker of the South Carolina House of Representatives*
12. Wallace H. Jordan, *Member of the South Carolina House of Representatives and Chairman of the Redistricting Ad Hoc Committee*
13. Chris Murphy, *Member of the South Carolina House of Representatives and Chairman of the Judiciary Committee*
14. Emma Dean, *Chief Counsel to the South Carolina House of Representatives Judiciary Committee*
15. Thomas Hauger, *Data Director/GIS Director for the South Carolina House of Representatives Redistricting Process*
16. Representative Weston Newton, *Member of the South Carolina House of Representatives and Redistricting Ad Hoc Committee*
17. Dr. J. David Woodard, *House Defendants' Expert*
18. Dr. Thomas Brunell, *House Defendants' Expert*
19. Sean Trende, *House Defendants' Expert*

Discovery is not yet closed, and final deposition transcripts for a majority of the deposed witnesses are outstanding. As such, final designations of deposition transcripts are essentially impossible at this point. In addition, earlier today (May 5, 2022), House Defendants and Plaintiff

SC NAACP entered into a settlement agreement (the “Settlement Agreement”). (*See* ECF No. 260). As required by the Settlement Agreement, Plaintiff SC NAACP has agreed and intends to file a stipulation or motion pursuant to Rule 15, FRCP, and a Third Amended Complaint removing its claims as to the Challenged House Districts (i.e., Count One and Count Two of the Second Amended Complaint). In the hopefully unlikely event that the claims related to the Challenged House Districts are not resolved as contemplated by the Settlement Agreement, which was the product of significant, good faith negotiations between House Defendants and Plaintiff SC NAACP, and those claims proceed to trial, Plaintiffs’ counsel has agreed to grant leave freely for House Defendants, as House Defendants in good faith deem necessary, to amend this disclosure. House Defendants likewise agree to grant leave freely to Plaintiffs to amend their disclosures as Plaintiffs, in good faith, deem necessary.

Deposition designations are forthcoming when final transcripts are available, and if necessary.

3. An identification of each document or other exhibit, including summaries of other evidence—separately identifying those items the party expects to offer and those it may offer if the need arises.

In addition to the Exhibits identified by Plaintiff, Defendant expects to identify the following exhibits at trial: *See* Exhibit List attached hereto.

Reservation of Rights

House Defendants reserve the right to supplement these responses, as appropriate, pursuant to agreement with the Plaintiffs as detailed above and/or as the interests of justice may so require.

Respectfully submitted,

/s/ Mark C. Moore

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May 5, 2022
Columbia, South Carolina

*Attorneys for James H. Lucas, Chris Murphy, and
Wallace H. Jordan*